

OBSERVATIONS

ON THE

DUCTH MANIFESTO,

ADDRESSED TO THE

EARL OF SHELBURN.

Arma tenenti

Omnia dat, qui iura negat.

LUC



L O N D O N :

Printed for G. KEARSLY, No. 46, near Serjeants-Inn,

Fleet-street,

1781.

27 OCT 1948

NOV 1 1948

NOV 1 1948

TO THE

RIGHT HONOURABLE

The EARL of SHELBURN.

THE following sheets are addressed to your Lordship, by one who sincerely laments that your Parliamentary abilities were exerted in behalf of the perfidious and ungrateful enemies of Britain. The angry spirit of *faction* has (I fear) *extinguished* your *patriotic virtue*. A steady, temperate opposition to particular measures, may be laudable and necessary, but an indiscriminate opposition to Ministers, is always the effect of *disappointed vanity*. Your Lordship, and the party with which you act, arrogate to yourselves *infallibility* as Statesmen. Your opinions are always *right*, while the *majority* in the Senate are ever *wrong*. This is a *dictum* to which you wish the people at large

to subscribe ; but their eyes are opened, and their understandings no longer under the influence of passion and prejudice ; the factious leaders in Parliament have lost the confidence of the people ; they are no longer considered as *guardians*, but *conspirators* against their country. The reflection is too melancholy, but no less so than true, that while Ministers are forming plans founded on wisdom, to obstruct and defeat the ambitious designs of our foreign enemies, a certain description of their fellow-subjects are labouring, with malevolent industry, to render abortive all their views. This, my Lord, is exactly the description of the present Members of Opposition in both Houses of Parliament.

Your political conduct, my Lord, does not a little dim the lustre of your many private virtues ; the former is censured, but the latter highly admired, by the obscure individual that thus presumptuously addresses you.

OBSERVATIONS, &c.

THE Manifesto published by the States General in justification of their conduct towards Great Britain, must necessarily engage the attention of the public. Englishmen have been long accustomed to consider the States of the Republic as friends, in the strictest political sense of the word, and have waited with impatience to hear what could be advanced in vindication of the part taken by them, in the quarrel between this Country, the Colonies, and the House of Bourbon. At length the expected performance has made its appearance, but so far from being a justification, it proves to demonstration, that their conduct merits the full extent of British resentment. This is a bold assertion, as it censures the la-
Boured

boured performance of a Cabinet of Statesmen ; a performance to be examined in the following sheets.

Ministers have been condemned by the force of faction for their temerity in commencing hostilities against our old and natural allies ; a motion was absolutely made in the Upper House of Parliament, with no other view than to calumniate his Majesty's servants, for a measure that received the approbation of the whole nation, a few ulcerated minds excepted. Had we declared war against the Dutch in the year 1779, the measure would have been productive of the most important advantages to this country, for it would have effectually prevented France and Spain from receiving those immense stores by which their navy has been rendered so formidable to Great Britain. Since the publication of the British Manifesto, France has incontestably been at a loss for naval stores ; two years have scarcely elapsed since England was alarmed with sixty-six line of battle ships sailing within cannon shot of Plymouth ; nine tenths of the stores on board
this

this fleet were supplied by the Dutch ; but our Ministers had no sooner acted with vigour against them, than France felt the effect; her navy is become less formidable, her operations more languid. The condemnation in our Courts of Admiralty of the stores taken in the fleet under Admiral Byland, convinced our enemies, both at *home* and *abroad*, that his Majesty's servants were not to be bullied. A measure so necessary and spirited enraged Opposition almost to phrenzy; all the abilities of the orator were called forth to awake the fears of the people, and direct their resentment against Ministers, but happily without effect, for there never was a measure that gave a more general satisfaction than the Manifesto authorizing hostilities against the States General. We shall now proceed to their Counter Manifesto, and examine how far it has answered that published by his Britannic Majesty, and justified their own conduct.

The Manifesto says: "If ever the annals of the world have furnished an instance of a free and independent state being attacked by an enemy in the most unjustifiable manner, and without the least appearance of *right* or *equity*, by a neighbouring power, allied for a long time, and bound by ties founded on the basis of common interest, it is without doubt the Republic of the United States of the Netherlands which finds itself in that case with his Majesty of Great Britain and his Ministers."

That his Majesty of Great Britain and his Ministers are not only justifiable in what they have done, and have acted not only with the appearance of *right* and *equity*, but that had they done otherwise, it would have been inconsistent with the duty of their stations, and the policy that has governed independent states from the earliest periods of history, is a position which may be established without great difficulty. The States, by their Manifesto, assert that we have been guilty of a breach of the Law of Nations: let us candidly examine the

the fact. The Law of Nations consist of certain regulations, *acceded* to in every age for the mutual advantage of mankind ; they alleviate the distresses concomitant to a state of war ; they prohibit all wanton exertions of power over the conquered ; they operate as a check upon the impulse of cruelty, and are intended to moderate those violent passions that often transport nations, as well as individuals, when invested with power. To use the words of a late elegant writer, the Law of Nations permits the cultivation of the *laurel*, but frowns on the gatherers of the *cypress* ; the one is the emblem of *generous triumph*, the other of *savage violence*. An infraction of these laws can only be punished by the sword, there being no other power to which the injured party can appeal, all empires being naturally and politically upon an equality, and independent of each other. The observance of these laws in general depends upon their consistency with the policy of particular states, and the opinion they entertain of their power to violate them with impunity. However, this opinion does
not

take away the right of the injured state to force an observance, if her strength is equal to the understanding. It has been universally admitted by all writers on the subject, that when two powers are in a state of war, if a neutral state supplies either party with the means of annoying the other, the party injured is justified in preventing his enemy from acquiring this advantage over him, and if it cannot be effected but by force, that force is justifiable by all laws, both human and divine, self-preservation being nature's primary law. No ingenuity, no degree of metaphysical subtilty can obscure this plain self-evident proposition. France and Spain espouse the revolt of the Rebel Colonies of Great Britain in their attempt to throw off their dependance on the state that *planted, nourished, and protected* them. Hostilities being commenced between these powers and Great Britain, Holland freights her merchant ships with naval and military stores, and consigns them to the harbours of the enemies of Great Britain.—Will the most inveterate foe to this country say, that we should have looked tamely on, while
our

our enemies were arming themselves for our destruction, without taking one step to prevent the impending ruin? We intercepted stores that were destined for our enemies, and the subtlest civilian on the Continent is challenged to produce one authority that censures the principle on which our Ministers acted.*

The States General say, that by this proceeding their commerce has been materially injured; it is to be lamented that the assertion is not founded on truth. The generosity, the humanity of Great Britain on this occasion, we know not whether to applaud as a *virtue*, or censure as a *weakness*; the stores that were found on board several of the Dutch vessels, consigned to the enemies of Great Britain, were, by the Law of Nations, forfeited; no claim to them however was made by Government; on the contrary, Government became the purchasers, and paid the owners a fair and

* The reader is referred to a very able and ingenious pamphlet written by Charles Jenkinson, Esq; the present Secretary at War, on the conduct of Belligerent States to Neutral Powers.

ample price for what had been seized. For many months prior to the capture of Byland's convoy, the Dutch merchant received for his goods almost five per cent. more than he would have got had he been permitted to have carried them to the French and Spanish markets. If this conduct can injure the commercial interest of a state, we are at a loss to know what it is that can prove a benefit, unless we believe that by Dutch calculation 10/. per cent. is better than 1.5/.

The Manifesto further says, " That the displeasure of his Britannic Majesty, in regard to what has been done for Paul Jones, is groundless; their High Mightinesses had, for many years before, given general and positive orders, for the admission into their ports, of all privateers and armed ships with their prizes."

Did the general order include the rebellious subjects of a friend and ally? To admit it is absurd, it proves too much. Let us for a moment suppose the States
General

General at war with France; Great Britain opens her harbours for the reception of the privateers of the belligerent states; one of the seven provinces revolts, joins France, and fits out ships of war to cruize against the other States; under these circumstances, could the most extensive construction of such a general order as described, include the vessels of the revolted state, and justify Great Britain in protecting them in her ports? No man will be bold enough to answer in the affirmative; Great Britain in that case would, and indeed ought, to consider them as pirates, acting without due authority, and give them up to be dealt with as such. The case of Great Britain and her American Colonies is much stronger than this: The Congress was a self-created body, convened without legal authority from the Parent State, and opposing her regulations. Was a Vote of Independence passed by this usurped authority, sufficient to erect the Colonies into an Independent State? It either was, or it was not. If the Vote

C

established

established Independence, and conveyed the allegiance from the Parent State to the Congress, the States General have acted with a pusillanimity unbecoming a great and free people, by not avowing their friendship for their new ally, and telling his Britannic Majesty that he had no right to dictate to them what powers they were to form an alliance with, that they were competent to judge what was most beneficial for their commerce, and their policy would direct them to that end, regardless of the opinion of their neighbours. If on the other hand the Congress Vote *did not* create American Independence, so effectually as to justify an old established state entering into a treaty with them, Jones acting under a commission issued by an authority not legally recognized, was in fact a pirate, and should have been treated accordingly by the States General, and his seizure was not only justifiable by the Law of Nations, but was a duty incumbent on the States General from the spirit of the treaties subsisting between them and Great Britain.

Britain. How came the crew of Paul Jones to get possession of the Fort in the Texel, and there mount guard over the natural born subjects of an ally? This circumstance has not been noticed in the Dutch Manifesto, for this evident reason, the fact could not be explained away, and silence upon the subject was more prudent than a futile justification. Their High Mightinesses say, that

“ From the beginning of the disputes which had arisen between that kingdom and the American Colonies, their High Mightinesses had taken the firm and determined resolution to adopt a strict neutrality.”

Was this determined resolution adhered to? Does not the Dutch Manifesto incontestably prove, that their *determined resolution to adopt a strict neutrality* was a mere mockery? Their High-Mightinesses departed from it in every instance that occurred. Was not the *eventual* treaty of

friendship and commerce with the Congress an encouragement to continue in a state of rebellion? Certainly it was, and a very powerful incitements to the Congress to adopt such measures as were likely to force Great Britain into an acknowledgement of their independence, the *eventual treaty* holding out so flattering a prospect as an alliance with the first commercial state in the universe.

If this is to observe a *strict neutrality*, we acknowledge ourselves ignorant of the true import and signification of the word; we are yet to learn that it admits variety of construction. If there is a determinate meaning to words, *strict neutrality* impresses the same idea on the mind in every language, an idea which is totally inconsistent with the conduct of the States General towards Great Britain.

The Law of Nations is no more than an expansion of those laws that regulate civil societies. In the most defective system of jurisprudence that ever was established, the man who holds out a reward to another as
an

an incentive to the perpetration of a crime, is viewed in a more odious light than the agent he employs, and comes under the cognizance, and must abide the consequence, of penal regulations, according to the degree of his offence. This is a principle of natural justice, no less obvious to the understanding of every man, than the application of it to the conduct of their High Mightinesses in the eventual treaty, which is not only an encouragement but an actual reward held out to the rebel subjects of Great Britain.

The account given in their Manifesto of this eventual treaty is somewhat curious and merits attention.

“ As for what concerns the project of
 “ an Eventual Treaty of Commerce with
 “ North America, framed by a member of
 “ the government of the province of Hol-
 “ land, without the sanction of any pub-
 “ lic authority, and the Memorials pre-
 “ sented on this matter by the Chevalier
 “ York, the matter happened as follows :

“ As

“ As soon as this Ambaffador had pre-
 “ fented a Memorial, dated November 10,
 “ 1780, their High Mightineffes, without
 “ noticing the expreffions, rather unbe-
 “ coming between Sovereigns, with which
 “ this Memorial abounded, did not delay
 “ entering into the moft ferious delibera-
 “ tion on that matter, and by their reso-
 “ lution of the 27th of the fame month,
 “ they did not hesitate *to disclaim and dis-*
 “ *approve publickly whatever had been done*
 “ *in this affair.*”

After their High Mightineffes had pub-
 lickly difclaimed and difapproved the con-
 duct of a member of the government of
 the province of Holland, “ the eagernes
 with which the Chevalier York infifted on
 punishment” cannot be an object of asto-
 nishment to any but their High Mighti-
 neffes; the part acted by their High Mighti-
 neffes on this occafion excites, not indeed
 astonishment, but *contempt*. One of their
 fubjects affumes to himfelf the Supreme
 executive power of the State, forms a
 Treaty of Commerce with the rebel fub-
 jects

jects of an ally, a complaint is formally lodged, a *disavowal* of the act required, and *punishment* demanded. Their High Mightinesses did not hesitate to disclaim and disapprove publicly whatever had been done in this affair, but when pressed to make an example of the offending party, by an exemplary punishment, their High Mightinesses, forgetful of their disapprobation, and despising consistency of conduct, enter into the following justification of a measure they before disclaimed :

“ To this we may reduce the whole
 “ matter ; his Majesty was informed of a
 “ negociation which would have taken
 “ place between a member of the govern-
 “ ment of one of the Provinces, and a re-
 “ presentative of the American Congress ;
 “ which negociation intended to lay the
 “ plan of a Treaty of Commerce, to be
 “ concluded between the Republic and the
 “ said Colonies, *casu quo*, that is to say,
 “ that in case the independency of these
 “ Colonies should be acknowledged by the
 “ Crown of England, this negociation,
 4 although

“ although conditional, and holding by a
 “ clause which depended on the anterior
 “ act of his Majesty, and excited his dis-
 “ pleasure to such a degree that he thought
 “ proper to require from the States a pub-
 “ lic disavowal and disapprobation, as well
 “ as a complete punishment and satisfac-
 “ tion. It was in consequence, and with-
 “ out the least delay, that their High
 “ Mightinesses acceded to the first part of
 “ the requisition, but the punishment in-
 “ flicted upon was not within their power,
 “ and they could not assent to it, without
 “ striking at the fundamental constitution
 “ of the state.”

Their High Mightinesses deny their au-
 thority over the offending member, and
 say, that “ the state of the province of
 Holland was the only one to which it per-
 tained lawfully to take cognizance of it,
 and to provide thereto by the ordinary
 means, and the authority of the laws.”
 The idea their High Mightinesses entertain
 of the mode of preserving the *authority of*
the laws, is worthy observation. The cul-
 prit

prit is given over to be judged by those who are *participes criminis*, consequently equally involved in the guilt, the virtuous Magistrates of Amsterdam. If this is conformable to maxims of Dutch jurisprudence, we may say with Shakespeare, "*fye upon their laws.*"

Their High Mightinesses say, they could not *assent* to the required punishment without "striking at the fundamental Constitution of the State." This answer is more specious than solid; let us examine its force. The United States of the Netherlands compose a system, at the head of which are their High Mightinesses, invested with certain prerogatives like the Chief Magistrate in a Monarchy; to them constitutionally belong the forming alliances, and making of treaties for the regulation of commerce. This is a fundamental principle of the Republic; has it been violated? A member of one of the component parts of this system, without any ostensible delegated authority, forms a commercial alliance in the name of those in whom the constitution alone vests the

D power.

power. Here is a most flagrant violation. If this conduct in a member of civil society accords with the fundamental principles of any Government that ever existed, or if a Government can exist and *tolerate*, or connive at this behaviour in a subject, Grotius, Puffendorff, Hobbs, and Locke, were (to use a phrase of the late Lord Chesterfield's) *eminently* ignorant of the first principles of a science of which posterity consider them as oracles; for however they may differ in their modifications and deductions, their ideas of power and subordination in general coincide. It is a maxim in all laws, that, there can be no *injury* without a *remedy*. This axiom can only be controverted by their High Mightinesses, who have by their Manifesto made it appear, that the axiom is erroneous. They prove it thus: One of their most sacred prerogatives has been abused, their names used without authority, and that by one of their subjects; here is an injury done to the Supreme Power of a State; and this very State, in the face of Europe, declares its impotency to punish.

nish. If this is really the case, we may with truth pronounce the Constitution of the Republic States an abortion in politics, there being no Supreme Authority in their Government.

It has been, we trust, fully proved, that the infraction of the Law of Nations has not been made by Great Britain, but on the contrary, that the most flagrant violations were committed by the States General, notwithstanding the confidence with which it is denied in their Manifesto.

The States General, not content with a breach of an universal rule of equity, have carried their misconduct so far as to refuse complying with the express terms of a treaty subsisting between them and Great Britain above a century.

In the year 1768, a perpetual defensive alliance was entered into between Great Britain and their High Mightinesses, by which it is expressly stipulated——

“ That that party of the two allies that
 “ is not attacked, shall be obliged to
 “ break with the aggressor in two months
 “ after the party attacked shall require.”

Frequent applications were made by the British Minister to the States for a performance of this Treaty, but so far from taking any measure to fulfil their engagement, they never even deigned to return an answer, or take any notice of the requisition, though it was not made until Spain had joined her arms with those of France. The States excuse themselves in their Manifesto, by saying, “ They did not consider they were bound by the Treaty to grant the stipulated assistance, without a *previous examination* who was the aggressor.” If that be the fact, the Treaty is no better than a piece of waste paper, as it can be evaded by either party at pleasure, under the specious pretence of examining the grounds of the dispute. When the sword is drawn, the enemy at the gate, and a friend called on for his assistance, ought he to say, “ I am sorry for your situation,

situation, but before I give you aid, let me examine whether you are right or wrong in the quarrel?" while the enquiry is making, the gates are broke open, and the enemy enters in triumph.

The right assumed by their High Mightinesses, to examine into the nature of the quarrel, before succours are granted, is an opinion they never before entertained; the words of the Treaty does not warrant such construction; the language is unequivocal, the sense obvious. If the construction contended for by the States General had been in contemplation of the contracting parties, it would have been expressed with the precision so important a stipulation demanded, and the period of two months, mentioned in the Treaty, would have commenced upon the *close* of the enquiry, (if the attacking power was found the aggressor), and not "in two months after the party attacked shall require it," as before stated.

When the operation of defensive treaties tended to forward the interest of the States General, it was never thought necessary by them to extend their construction beyond

the express letter. In the year 1662, the States General entered into a defensive alliance with France, with a guarantee article similar to that in the treaty of 1678, and being soon after engaged in a war with Great Britain, demanded the succours stipulated to be sent to the power attacked. The Court of France remonstrated that the war originated in a dispute for territories out of the boundaries of Europe, and that the treaty only guaranteed the possessions of the contracting powers in Europe; but as soon as Great Britain commenced hostilities within the prescribed limits, France not only granted the succours, but actually declared war against us to protect her ally.

In 1701, when Louis XIV had stationed a considerable body of his troops near the frontiers of Holland, and formed magazines, the States General, alarmed for their safety, before a shot was fired, applied to Great Britain for succours. The requisition was communicated to the House of Commons by King William, when it was immediately resolved to provide succours for the States General, according to the treaty
of

of 1678. The event of this war is known to all the world; the success of the confederate army under the Duke of Marlborough, brought about the peace of Utrecht in 1713, by which the States General acquired an increase of territory and power.

The rebellions in the years 1715 and 1745, obliged Great Britain to call upon the States General for the succours stipulated in the treaty of guarantee. The requisitions were then complied with. But in justice to the States General it should be mentioned, that the succours sent by them in the last Rebellion were *useless*, their regiments being composed of soldiers who had been taken by the French, and released on condition of not serving against them, and who were actually obliged to lay down their arms. This fact is too notorious to be denied; and is good evidence to prove, that the States General are not to be bound by Treaties, when they apprehend a breach of them cannot be attended with consequences injurious to their self-interested views. It is somewhat remarkable, that from the year
1662,

1662, to the publication of the Counter Manifesto of the States General in 1781, no mention had been made by any power that was called upon for succours in pursuance of defensive treaties, of an *antecedent* right to examine whether the morality of the quarrel was with the state that claimed assistance : this cannot be attributed to want of discernment in the politicians of former ages ; had there been the smallest ground for objection, it would have been made by some of the powers that were called upon. The Ministers that directed the helms of government at the different periods and Courts mentioned, were known to possess a laxity of conscience, by which they could easily reconcile to themselves a breach of political morality in favour of a measure of state.

Treaties between Sovereign States are governed by the same rules of construction with agreements between private persons. If a man enters into an engagement to do any specific act, by the rules of law he is not allowed to annex, by implication, a

con-

condition *antecedent* or *subsequent*, unless expressed in the agreement, particularly if it should militate against the evident intended operation of the undertaking.

Treaties between states stand upon the same ground : a latitude of construction, at the will of either party, would render abortive the most solemn engagements that ever were or can be formed. The Sun was never more evident at noon-day, than that France had perfidiously and unprovokedly quarrelled with Great Britain, for the sole purpose of aiding her revolted Colonies ; and not demanding the performance of the treaty of 1678, until Spain had withdrawn her Ambassador, proves how unwilling Great Britain was to engage the States General in a war, before it became absolutely necessary, from having the whole House of Bourbon to contend with.

If gratitude for past services was to be expected from bodies politic, Great Britain had every reason to meet with it from the States of the Republic. Their emancipation from the chains of slavery under which they groaned, while subject to the Spanish

E Mon-

Monarchy, was effected by the generous assistance given them in the reign of Elizabeth.

The cruelty of Philip II, and the relentless savage disposition of his favourite General, the Duke of Alva, carried destruction into every family ; in vain the heroes of the House of Orange opposed his progress ; in vain the voice of youth, of beauty, and of innocence, pleaded for life and honour ; the smiling infant, the weeping parent, the ardent eloquence of the friend, the lover, and the husband, were equally disregarded ; all, indiscriminately, fell victims to the lust of power, and the enthusiastic zeal of religious bigotry ; murders, rapes, and massacres were the mournful attendants of each day and night. At length Britannia beheld with tender compassion their sufferings, assisted them in the hour of distress, her subjects bled, and her coffers were opened to support and rescue them from impending destruction ; scared at the approach of the genius of Briton, tyranny fled from their provinces, and li-

berty erected her standard. Behold the
 return! when the united force of the
 House of Bourbon is directed against Great
 Britain, and a considerable part of her em-
 pire in rebellion, this very Republic, for-
 getful of former benefits, regardless of
 every consideration of *interest*, of *justice*,
 and *positive treaty*, throws her weight into
 the scale of *her own* natural enemies.---
 Mistaken policy! every accession of power
 in the Bourbon family is a wound given to
 the United States of the Netherlands;
 should this ambitious House succeed in her
 present design against this country, the
 barrier treaty is without a guarantee, the
 equilibrium of power in Europe destroyed,
 and the Bourbons become perpetual dicta-
 tors in this quarter of the globe.---For-
 bid it, Britons! *Silence the discordant voice,*
calm the restless spirit of faction.---UNITE
 AND CONQUER.

T H E E N D.

The first of these is the fact that the
 Government has not yet decided whether
 it will accept the offer of the
 United States to purchase the
 Alaska Pipeline. The second is the
 fact that the Government has not yet
 decided whether it will accept the
 offer of the United States to purchase
 the Alaska Pipeline. The third is the
 fact that the Government has not yet
 decided whether it will accept the
 offer of the United States to purchase
 the Alaska Pipeline.

10

